IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 18620 of 2004

Between:

Garikapati Subba Rao S/o late Durgaiah
R/o Mulukuduru Village, Ponnur Mandal, Guntur District

..... PETITIONER

AND

1 The Joint Collector, Guntur, Guntur District
2 The Revenue Divisional Officer, RDO. Office, Tenali Guntur district
3 The Mandal Revenue Officer, Ponnur Mandal, Guntur District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in taking steps to acquire the petitioner's land situated in D. NO. 136/6, to an extent of 47 cents and D. No. 136/7, to an extent of 56 cents and D.NO. 136/8 to an extent of 50 cents of Mulukuduru Village, Ponnur Mandal, Guntur District, for allotment of house sites in favour of the weaker section without issuing 4(1) Notification under Land Acquisition Act and without following procedure prescribed under Land Acquisition Act is illegal and void and opposed to Article 14, 16 19 and 300(A) of the Constitution of India in the interest of justice and consequently to direct the respondents not to acquire the petitioner's land in question.

Counsel for the Petitioner:MR.MUMMANENI.SRINIVASA RAO

Counsel for the Respondents 1 to 3 : GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

Learned Government Pleader, on instructions, submits that pursuant to the issuance of Section 4(1) notification under the Land Acquisition Act (for short "the Act"), the petitioner participated in Section 5-A enquiry, followed by Section 6 declaration. Now, the matter is posted for award enquiry and necessary notices were also issued to that effect.

In view of the same, the petitioner is at liberty to participate in the award enquiry and can adduce evidence in support of his claim by filing documents, if any. On filing of such documents, the same shall be considered in accordance with law.

With the above observation, the writ petition is disposed of. There shall be no order as to costs.

_____

A.GOPAL REDDY,J

DATED:13-10-2004

GJ

To

1 The Joint Collector, Guntur, Guntur District
2 The Revenue Divisional Officer, RDO. Office, Tenali Guntur district
3 The Mandal Revenue Officer, Ponnur Mandal, Guntur District

4. Two C.Cs. to the Government Pleader for Revenue, High Court of Andhra Pradesh, Hyderabad.(OUT)

5. Two C.D. copies.